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AN ACT

To authorize the raising of a Loan of Ten Thousand Pounds upon the security of the Dues and Monies levied by virtue of the "Victoria and Esquimalt Harbour Dues Act 1860."

WHEREAS, it is expedient that the Harbour of Victoria, and the Communications between Victoria and Esquimalt should be permanently improved;

Be it enacted by the Governor on behalf of Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies as follows:

Monies levied under the "Victoria and Esquimalt Harbour Dues Act 1860" to be carried to the "Harbour Fund."

I. That all monies and dues levied in respect of Licenses, Dues and Permits according to the Schedules A, B, C, and D, to the "Victoria and Esquimalt Harbour Dues Act 1860" shall, together with any other monies appropriated for the purpose, be paid into the Treasury of Vancouver Island to a separate account to be entitled the "Harbour Fund."

Governor to nominate a Harbour Commission.

II. The Governor for the time being is hereby empowered to nominate a Commission to be called the "Harbour Commission," consisting of not more than seven, nor less than five persons, to enquire into and report upon the state of Victoria Harbour, and the best means for its permanent improvement; and to fill up from time to time the vacancies occurring in such Commission.

Salary of Harbour Master and Certain Expenses to be paid out of the "Harbour Fund."

III. The Salary of the Harbor Master and the expenses of and incidental to his office, not exceding in the whole the sum of Six Hundred and Fifty Pounds, shall in the first place be paid out of the said "Harbour Fund."

Governor to nominate an Esquimalt Road Commission.

IV. The Governor aforesaid may also appoint a Commission to be called the "Esquimalt Road Commission" consisting of not more than seven nor less than five persons, of whom some may be Officers in Her Majesty's Military and Naval Services, to enquire into and report upon the state of communications between Esquimalt and Victoria, and as to the best means of improving the same, and fill up all vacancies which may from time to time occur in such Commission.

Line of Road to be Advertised.

V. The line of Road recommended shall be advertised within one week after the same is reported on.

Governor to borrow £10,000 or less.

VI. The Governor aforesaid after receiving the reports aforesaid may borrow upon the security of the said "Harbour Fund," but subject to the payment of the expenses aforesaid, any sum not exceeding the sum of Ten Thousand Pounds (£10,000) to bear interest at the rate of not more than £12 per centum per annum. The sum required shall be borrowed in sums of One Hundred Pounds (£100) in manner following:

Advertisements for Loan.

VII. The Governor aforesaid shall issue advertisements in one or more of the public newspapers published in this Colony, thrice a week for one fortnight, calling upon all persons desirous of taking up the said Loan to tender for the same by a day to be therein named.

Tenders to be opened.

VIII. On the day next subsequent to the day so named the tenders shall be opened, and the most advantageous tender, not requiring interest at a higher rate than £12 per centum per annum, shall be accepted.

After the expiry of a fortnight Governor may borrow by private Contract.

IX. In the event of the said sum not being taken up at the expiry of the said fortnight, the Governor aforesaid may borrow the same, or any part thereof from any person or persons willing to advance the same, provided that no higher rate of interest than £12 per centum per annum be taken; and provided that the same amounts or any part thereof be borrowed either at a premium, par, or discount of not more than £5 per centum.

Interest to be payable quarterly.

X. The interest on the said Loan shall be payable quarterly on the 24th day of December; the 24th day of March; the 24th day of June; and the 28th day of September of each year.

Manner of paying off Principal

XI. The Loan shall be repaid in manner following: After payment of the salary and expenses aforesaid, so much of the said "Harbour Fund" as is required for that purpose shall be employed on each of the said Quarter days in paying off the interest for the time being accrued, due on the said Loan; and the surplus after such payment shall on the 24th day of June in every year be employed in discharging so many of the said sums of £100 as such surplus is capable of discharging, such sums to be discharged in priority according to the date of advance.

Certificate to be issued to Lender.

XII. Every person advancing money on the security of the said "Harbour Fund" shall receive a Certificate, signed by the Governor and sealed and countersigned by the Colonial Secretary of Vancouver Island in the form marked A in the Schedule hereto, and shall also be registered in a book to be kept for that purpose, as the owner of a £100 share in the "Harbour Fund Loan."

Effect of Certificate.

XIII. The issuance of the said Certificate shall entitle the person to whom such Certificate is primarily issued, to the payment of the said interest on the days aforesaid; and the repayment of the £100 Capital in priority as aforesaid, and any person may endorse over any such Certificate to any other person and when any such Certificate shall have been endorsed over, the Endorsee shall be entitled to the same extent as the original owner, upon causing himself to be registered as the owner of the specific share so endorsed over, and he shall be so registered upon producing a declaration signed by the Endorser in the form marked B in the Schedule hereto, and attested by two persons witnesses to the endorsement in the manner in the said form set forth.

Mode of Endorsement.

XIV. In the event of such endorsement being made in any place other than the Colony of Vancouver Island, such endorsement shall be made in the presence of some Notary Public, Magistrate, or Judge of a Court of Record, duly attested, if not in the British possessions by the British Consul.

Interest secured on the General Revenue of the Colony.

XV. In the event of the "Harbour Fund" proving at any time insufficient to pay any portion of the said Interest the portion unpaid shall be paid out of the General Revenue of the Colony and the said General Revenue is hereby primarily charged with such payment.

Governor may lay out £8,000 on the Harbour.

XVI. The Governor aforesaid is hereby empowered to lay out such portion of the said sum of £10,000 not exceeding Eight Thousand Pounds in such permanent improvement of the said Harbour as he may think advisable, upon receiving a requisition to that effect from the majority of the said Harbour Commission.

Governor may lay out £2,000 on the communications to Esquimalt.

XVII. The Governor aforesaid is hereby also empowered to lay out such portion of the said sum of £10,000 not exceeding the sum of Two Thousand Pounds in such permanent improvements of the communications between Victoria and Wharf Street, Esquimalt, as he may deem advisable upon receiving a requisition to that effect from the majority of the said Esquimalt Road Commission.

Short Title.

XVIII. This Act may be cited as the "Victoria Harbour Act 1860."

Passed the House of Assembly, the 29th day of October, 1860.

Council amendments agreed to the 23d day of November, 1860.

Passed the Council, the 21st day of November, 1860.

Assented to this 16th day of July, 1861.

JAMES DOUGLAS,
Governor.

SCHEDULE A.

Fees for Entrance and Clearance for Vessels Entering and Clearing the Ports of Victoria and Esquimalt.

	£	s	d
All Vessels under 15 Tons	0	4	2
" Between 15 and 30 Tons	0	6	3
" " 30 and 50 tons	0	8	4
" " 50 and 100 tons	0	12	6
" " 100 and 200 tons	0	18	9
" " 200 and 300 tons	1	5	0
" " 300 and 400 tons	1	13	4
" " 400 and 500 tons	2	1	8
" " 500 and 600 tons	2	5	10
" " 600 and 700 tons	2	10	0
" " 700 and 800 tons	2	14	2
" " 800 and 900 tons	2	18	4
" " 900 and 1000 tons	3	2	6
" " 1000 and upwards	3	6	8

All Steamers *bona fide* carrying Mails to pay half the amount of the above scale of fees, according to their tonnage.

SCHEDULE B.

Half Yearly License for Coasters.

	£	s	d
Under 10 Tons	1	0	0
Above 10 tons and under 30 tons	2	0	0
" 30 " " " 50 tons	3	0	0
" 50 " "	4	0	0

SCHEDULE C.

	£	s	d
Wherries and Skiffs plying for hire and licensed to carry not exceeding six passengers, per Quarter	1	0	0
Row Boats and Yawls plying for hire and licensed to carry more than six passengers, and under Ten Tons burden, per Quarter	1	10	0
Lighters and Scows employed in freighting or discharging Vessels, or otherwise for hire, under Ten Tons burden, per Quarter	2	0	0
Lighters aud Scows exceeding Ten Tons burden, per Quarter	2	0	0

and one shilling additional for every Ton exceeding Ten Tons and up to One Hundred Tons burden.

SCHEDULE D.

Landing Permits.

	£	s	d
For Invoices under £100 in value	0	4	2
" above £100 and under £ 250 in value	0	6	3
For Invoices above £250 and under £ 500 in value	0	8	4
For Invoices above £500 and under £ 1000 in value	0	12	6
For Invoices above £1000	0	16	8

FORM A.

No.....

Certificate of a £100 share in the £10,000 Loan under the " Victoria Harbour Act 1860 " Guaranteed by the Government of Vancouver Island.

This is to certify that.....of..... ..... has paid One Hundred Pounds on account of one share in the " Harbour Fund Loan " under the provisions of the " Victoria Harbour Act 1860," bearing interest at the rate of £.....per centum per annum payable Quarterly.

.....
Governor.

.....
Colonial Secretary.

FORM B.

I.....of.....do hereby declare that I, on the.....day of.....did endorse over to.....of.....Certificate No..... for the sum of £.....secured by the " Victoria Harbour Act 1860."

(Signed) C. F.

Witnesses
A. B.....of.....&c.
C. D.....of.....